

ARTICLE 10: DEFINITIONS

10.1. BASIC DEFINITIONS AND INTERPRETATIONS

10.1.1. Context and Meaning

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

10.1.2. Uses

- A. For definitions of particular land uses, including cellular towers and telecommunication facilities regulation, refer first to Article 5, Zoning Districts and Standards.
- B. For definitions specific to flood damage prevention, stormwater regulations, and watershed protection, refer to Article 9, Natural Resources.

10.1.3. Definitions

1. Abandoned Manufactured Home

A manufactured home that has not been used as a dwelling for six months and/or has one or more of the following conditions: does not provide complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation; or a manufactured home that has not received the proper permits to be located within the county limits; or a manufactured home that is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities; has been deemed a public nuisance by the Board of Commissioners.

2. Accessory Use

A use, building or structure that is subordinate to the principal use, building or structure on the lot, and used for purposes incidental to the main or principal use, building or structure.

3. Accessory Dwelling Unit

A dwelling that exists on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

4. Addition (to an Existing Building)

An extension or increase in the floor area or height of a building or structure.

5. Administrative decision

Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance or local government development regulations. These are sometimes referred to as “ministerial” decisions or “administrative determinations.”

6. Administrator

The Administrator for Franklin County. The person or persons responsible for enforcement of the Unified Development Ordinance. Currently designated by the County Manager as the Planning Director.

7. Adult care home

An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care provides supervision to person with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.

8. Agricultural – Other than Livestock

The use of land for dairying, pasturage, animal and poultry husbandry, and the necessary accessory uses. Intensive livestock operations as defined by this Ordinance are excluded.

9. Agriculture – Livestock

The use of land for the production of cash grains, field crops, vegetables, fruits and nuts, and for horticulture and floriculture.

10. Agri-tourism

The act of visiting a bona fide farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation. Agri-tourism uses may include but are not limited to corn mazes, petting zoos related to farm animals, hayrides, and educational programs. Accessory uses to the agri-tourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed the intent of other districts under this Article, sale of farm or agricultural related products not produced on site.

11. All-weather Roads

Any road which has been paved to NCDOT standards.

12. Alter

To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders, or floor joists.

13. Animal Unit

A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

14. Antenna

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's building and permitting authority.

15. Apartment

A room or dwelling unit of one (1) or more rooms, each of which have kitchen facilities, and are designated or intended to be used as an independent dwelling unit(s). Structure must house at least three attached dwelling units. An apartment of just two dwelling units is a Duplex.

16. Appeal

A request for a review of the Administrator's interpretation of any provision of this Ordinance.

17. Appropriate Screening

Screening that is suitable to satisfy the purpose for which such screening is intended; often visual screening.

18. Approval Authority

The Board of Commissioners of Franklin County, the Board of Adjustment, or other board or official designated by ordinance or Article 4 of this UDO as authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

19. Arborist

An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native ornamental trees.

20. Arborist, Certified

A person who is licensed (combination of either a professional certification or ISA Certified Arborist) to perform arboricultural work in Franklin County.

21. Arborist, Consulting

A consulting arborist is a registered member of the American Society of Consulting Arborists or a professional in the field of arboriculture, who, on a regular basis, provides expert advice for a fee about trees and other woody plants, their care, safety, preservation, and value. The consultant does not have a vested economic interest in the delivery of the services recommended, nor does the consultant deliver any paid service in lieu of a consulting fee. The consultant must be able to demonstrate his proficiency and credibility through evidence of the following:

- A. Documentation of substantial experience in arboricultural practice
- B. Documentation of degree acquisition and/or other forms of certified training
- C. Documentation of a referential record of practice in the field as a consultant through examples of arboricultural consultation problem-solving situations
- D. Evidence of current membership in professional organizations within the field of arboriculture such as the National Arborist Association, International Society of Arboriculture, American Society of Consulting Arborists, Council of Tree and Landscape Appraisers, Utility Arborists Association, and Society of Municipal Arborists

22. Assembly

- A. A joining together of completely fabricated parts to create a finished product.
- B. When defining a use, refers to uses similar to lodge, social or civic club, church, or gathering spaces. See Article 5.

23. Assisted Living Home

A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.

24. Automobile Graveyard

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles and which are currently not being restored to operation, regardless of length of time which individual motor vehicles are stored or kept at said establishment or place of business. All such businesses must be registered with the N.C. Department of Revenue. Also referred to as a Junkyard.

25. Automobile Off-street Parking (Commercial Lot)

Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses.

26. Automobile Wash or Automatic Car Wash

A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.

27. Banner

A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbol, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

28. Board of Adjustment (BOA)

A semi-judicial body composed of representatives from Franklin County which is given certain powers under and relative to this ordinance.

29. Board of Commissioners or Board of County Commissioners (BOCC)

The governing body of Franklin County.

30. Bona Fide Farm

Pursuant to NC GS § 160D-903, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. § 106-581.1. The production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under G.S. §106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A. A farm sale tax exemption certificate issued by the Department of Revenue.
- B. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. §105-277.3.
- C. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

D. A forest management plan.

31. Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.

32. Buffer

An area of undisturbed natural or planted vegetation typically used to provide physical, visual, or auditory separation between disparate or incompatible uses.

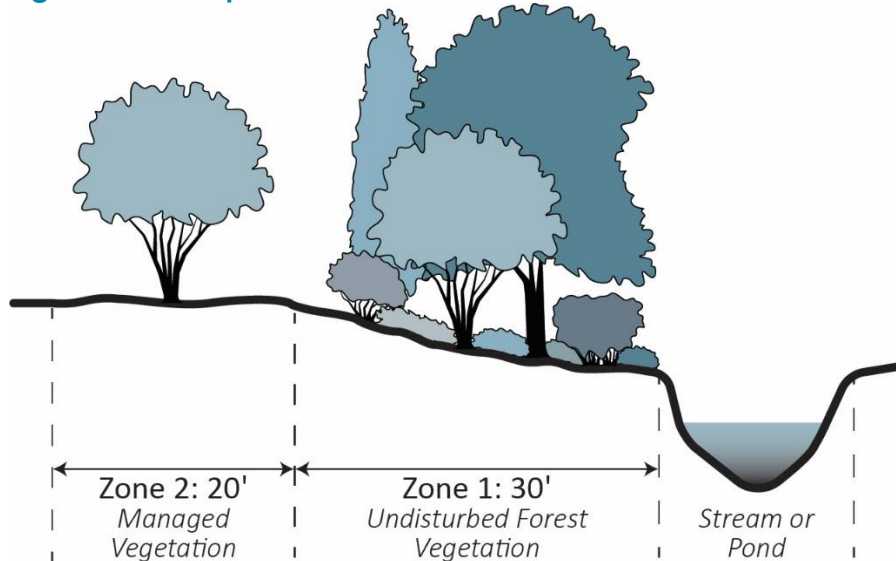
33. Buffer, Riparian

An area of undisturbed natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The protected buffer shall have two zones as follows:

- A. Zone 1 shall consist of a vegetated area that is undisturbed except for uses permitted by the NC Department of Environment Quality. The location of Zone 1 shall be as follows:
 - a. For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water; and
 - b. For ponds, lakes, and reservoirs located within a natural drainage way, Zone 1 shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.
- B. Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses permitted by the NC Department of Environment and Natural Resources, Division of Water Quality. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall

begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

Figure 10-1 Riparian Buffers



34. Buildable Area

The portion of a lot remaining after required yards have been made.

35. Building

See "Structure."

36. Building, Detached

A building having no party or common wall with another building except an accessory building.

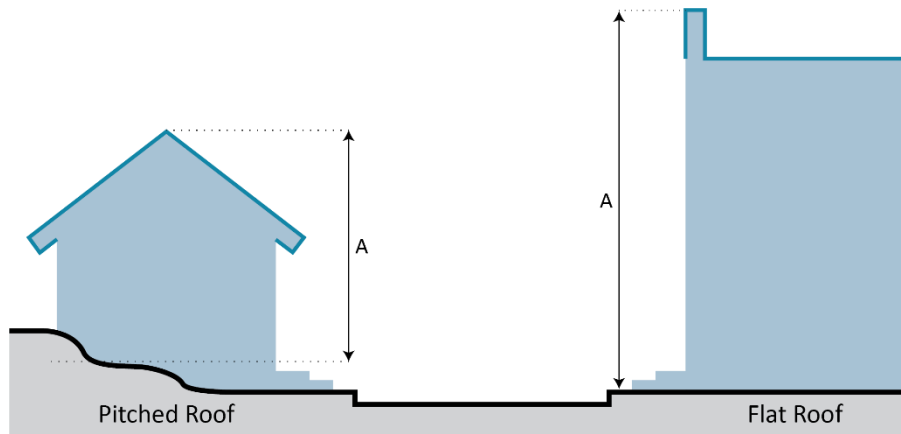
37. Building Front

The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

38. Building, Height of

The vertical distance from the average underwalk grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.

Figure 10-2 Building Height Measurement



A = Building Height

39. Building Inspector

The person, officer, and his authorized representatives, whom the county board of commissioners have designated as their agents for the administration and enforcement of the county building codes and minimum housing code.

40. Building Line

See Building Setback Line.

41. Building, Main

A building in which the principal use of the lot on which the building is situated is conducted.

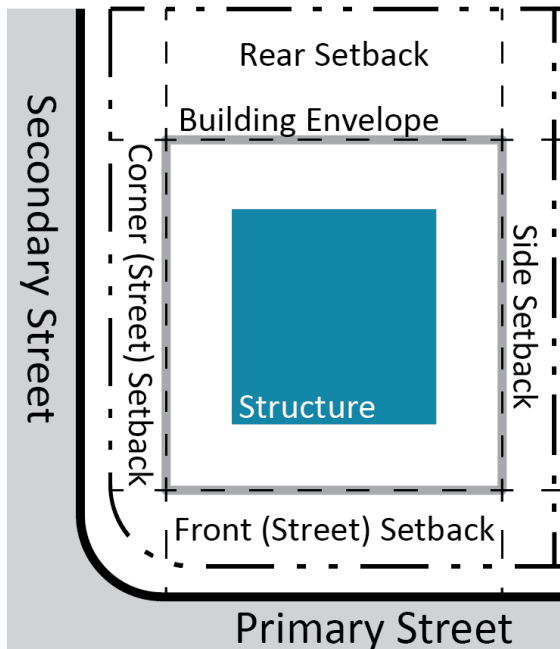
42. Building Marker

A sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

43. Building Setback Line

A line located a minimum horizontal distance from the front, rear, and sides of a lot which delineates the area within which a structure may not be built, altered, or maintained, except as otherwise described by this UDO. Sometimes the area within the Building Setback Lines is referred to as the Building Envelope. See also Setback Line.

Figure 10-3 Building Setback Line and Building Envelope



44. Building Site

Any lot, or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.

45. Built-upon Area

Built upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious).

46. Caliper

A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

47. Canopy

A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as an awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies.

48. Certificate of Compliance

A statement signed by the Administrator setting forth that the building, structure, or use complies with this ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein. A certificate of compliance may be issued in conjunction with a Certificate of Occupancy.

49. Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

50. Child Care Home

A child care home is licensed to care for five or fewer preschool age children, including preschoolers living in that home. Individuals caring for one or two children are exempt from being licensed. In addition, three school-age children may be enrolled. The provider's own school-age children are not counted for purposes of licensure.

51. Child Care Center

A child care center is a facility where six or more children are cared for in a residence, or when three or more children are cared for in a building other than a residence.

52. Circulation Area

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

53. Cluster Development or Conservation Development

The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

54. Cluster Mailbox Units (CBU)

A structure or shelter housing multiple mailbox units to serve each residential dwelling of the development for the expressed purpose of regular mail delivery provided by the United States Post Office (USPS).

55. Clustered Detached Single-Family Dwellings

A dwelling in which the lot size may be reduced, but the unit is not attached to another unit.

56. Co-Location

The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

57. Combined Development

Two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways, and other common facilities.

58. Composting Facility

A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing and landscaping operations are deposited.

59. Conditional Zoning

A legislative zoning map amendment with site specific conditions incorporated into the zoning map amendment.

60. Condominium

An attached dwelling unit in a building with three or more dwelling units, in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to an individual and such ownership is not inclusive of any land. Two attached dwelling units are classified as a Duplex.

61. Conservation Reservation

The owner of the tract of land agrees that the land shall remain in a vegetated or natural state and that no use shall be made of the tract that would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation. There shall be no dredging or removal of loam, peat, soil, rock, or other mineral substances from the surface of the tract, and the surface use shall remain intact for agricultural, forest, or outdoor recreational purposes only. Other than permanent structures necessary to further the use of said tract for agriculture, forest, or outdoor recreational purposes, no building, public road, sign, or billboard shall be allowed to remain above the ground. All surface use of said tract shall be carried on in such a manner as to allow the land and water areas to remain predominantly in their natural state. This conservation easement shall run with the land and shall be binding upon the grantee, its successors in title, and all subsequent owners of this parcel of land.

62. Contractor, General

One who is engaged in one or more aspects of building construction and/or land development through a legal agreement.

63. Contractor, Trades

One who accomplishes work or provides facilities under contract with another and specifically engages in a specialized trade, such as plumbing, heating, wiring, sheet metal, and roofing work, etc.

64. Convenience Center

County-maintained site for the location of waste collection dumpsters.

65. Convenience Store

A commercial establishment that is traditionally a corner grocery store; could include the sale of grocery items, generally includes the quick pick-up of milk and bread, etc. Such a commercial establishment can also include the sale of gasoline, but not the repair of automobiles. Such an establishment shall be predominantly for the sale of grocery items and gasoline.

66. Corner Lot

A lot abutting upon two (2) or more streets at their intersections.

67. Critical Area or Water Supply Watershed Critical Area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located, or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

68. Critical Root Zone (CRZ)

A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of tree diameter-at-breast-height, with a minimum of eight feet.

69. Cul-de-Sac

A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turnaround.

70. Curtain Wall

A continuous, uniform foundation enclosure constructed of brick or concrete blocks and that is unpierced except for required ventilation and access.

71. Deciduous

Those plants that annually lose their leaves.

72. Decision-making board

A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this ordinance.

73. Demolition Landfill

A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the North Carolina Division of Environmental Management and permitted by that agency.

74. Determination

A written, final and binding order, requirement, or determination regarding an administrative decision.

75. Developer

A person, including a governmental agency or redevelopment authority, who undertakes any development and is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

76. Development Approval

An administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. It also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including subdivision plat approvals, sign permits, driveway permits, erosion and sedimentation control permits, and other permits issued pursuant to this ordinance, development agreements, and building permits.

77. Development regulation

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication

facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance, or a local act or charter that regulates land use or development

78. Detention

The surface collection, storage, and distribution of stormwater runoff for the purpose of compensating for increased runoff volume and decreased travel time associated with an increase in impervious surfaces, and to allow for the settling-out of pollutants borne by the runoff.

79. Developer.

Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of residential, commercial, or industrial projects.

80. Development.

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

81. Development Plan, Phased

A plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.

82. Diameter-at-Breast-Height (DBH)

Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

83. Dimensional Nonconformity

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

84. Discharging Landfill

A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

85. Disposal

Defined as in G.S. 130A-290(a)(6).

86. Double Frontage Lots

A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.

87. Dripline

An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

88. Drive-In (eating or drinking facility)

An establishment that provides employee curbside service or accommodations through special equipment or facilities for the ordering of food or beverages from a vehicle.

89. Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area. An entrance from the roadway or street to a primary use, business, home, lot, or cluster of buildings operating together, or parking area for the same.

90. Dwelling, Multi-Family or Multi-Family Residential

A building used or designed as a collection of three or more dwelling units for three or more families living independently of each other. Typical uses include condominiums, apartments, and/or townhomes. Buildings with two attached dwelling units are classified as a Duplex.

91. Dwelling, Single-Family

A detached building either designed for or occupied exclusively by one (1) family or household, as a dwelling unit.

92. Dwelling, Two-Family (aka Duplex)

A building designed to be capable of being occupied by two (2) families living independently of each other. The two dwelling units are attached, but have separate ground-floor entrances. Note that a duplex is distinct from and is not considered a townhome or an apartment/condominium. It may be considered attached residential, but it is not considered Multi-family Residential for the purposes of use regulation.

93. Dwelling or Dwelling Unit

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle, which is if used solely for a seasonal vacation purpose.

94. Easement

A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

95. Effective Date of the Article

Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance as originally adopted.

96. Elevated Building

A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

97. Encroachment

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

98. Evergreen

Those plants that retain foliage throughout the year.

99. Existing Development

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- A. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- B. Having an outstanding valid building permit as authorized by the General Statutes (NC GS 160D-108), or
- C. Having expended substantial resources (time, labor, money) and having an approved site-specific vesting plan or phased development plan as authorized by the General Statutes (G.S. § 160D-108).

100. Existing Lot (Lot of Record)

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Registrar of Deeds prior to the adoption of this Ordinance.

101. Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.

102. Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

103. Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

104. FA

The Federal Aviation Administration, or its duly designated and authorized successor agency.

105. FCC

The Federal Communications or its duly designated and authorized successor agency.

106. Fabrication

The processing and/or assemblage of various components into a complete or partially completed commodity. Fabrication related to stamping, cutting, or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basic raw materials such as metal, ore, lumber, and rubber, etc., are included.

107. Facade

The entire building walls, including wall faces, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

108. Family

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.

109. Family Care Home

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities, as defined in G.S. § 160D-907.

110. Fence (Protective)

A structure of wood, stone, brick, block, steel, vinyl, metal, or other similar material extending upward from the surface of the ground, and of such materials and construction which creates a physical barrier.

111. Fine Arts

Individual art pieces, not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving and/or craftwork of leather, wood, metal or glass.

112. Flag Lot

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot.

113. Flea Market

A commercial operation held on a regular periodic basis and patronized by individual entrepreneurs who transport a variety of merchandise to a common geographical area for the purpose of sale or trade to the general public. This definition does not include sporadic and infrequent yard sales held in residential areas.

114. Frontage

All property abutting one side of a street measured along the street line.

115. Frontage Width

The horizontal distance between the side lot line corners measured along the front of the property. See similar definition for Lot Width.

116. Garage, Private

A building or space used as an accessory to or a part of the main building permitted in any residential district, that provides storage space for motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

117. Gate

A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier and screen as a part of the fence to which it is attached.

118. Gatehouse/Guardhouse/Security Station

A building manned by personnel designed to provide protection to residents of a subdivision or development.

119. Ground Cover

A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade, or other adverse conditions.

120. Group home

See "supervised living facility."

121. Habitable Floor

Any floor for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

122. Halfway House

A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housing unit.

123. Handicapped Home

A residence within a single dwelling unit for at least six but not more than nine (9) persons who are physically or mentally handicapped, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

124. Handicapped Institution

An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

125. Hazardous Material

Any substance listed as such in SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

126. Hazardous Waste Management Facility

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in G.S. Article 9 of Chapter 130A.

127. Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

128. Historic Structure

Any structure that is:

- A. listed individually in the National Register of Historic Places (as maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. individually listed on a State inventory of historic places;
- D. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified
 - a. by an approved state program as determined by the Secretary of Interior, or
 - b. directly by the Secretary of Interior in states without approved programs.

129. Home Care Unit

A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need regular professional medical attention.

130. Home Occupation

An accessory use of a dwelling unit for gainful employment by the occupant(s) which

- A. is clearly incidental and subordinate to the use of the dwelling unit as a residence;
- B. is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling;

- C. is located in a residential district; and
- D. is created and operated as a sole proprietorship.

131. Impervious Surface

Any surface which in whole or in part restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to, compacted earth, gravel, concrete, asphalt, or other paving material, and all area covered by buildings or structures.

132. Impervious Surface Ratio

The algebraic ratio calculated to determine the percentage of open land versus built-upon area on any tract(s) of land used for the purpose of actual or anticipated residential or nonresidential development.

133. Improvements

The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel of property.

134. Individual Establishment or Business

A single establishment or business occupying one or more buildings designed to function as a single enterprise which does not share off-street parking, driveways, or other common facilities with an adjacent establishment or development.

135. Indoor Shooting Range

Means a business establishment, private club, individual or association that operates inside an enclosed building for the discharge of firearms.

136. Indoor Recreation

A commercial establishment or private club that could include the following: pool halls, video arcades, bowling alleys, gyms and exercise studios, and other similar uses.

137. Industrial Development

A nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use of or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity, or as described by the Zoning Ordinance.

138. Intermediate Care Home

A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a

lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

139. Intermediate Care Institution

An institution facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

140. Jail

A municipal or county operated facility designed for the holding of individuals for trial, contempt, or punishment when the period is not to exceed one hundred eighty days.

141. Junk

Old, scrapped, ruined, or discarded copper, brass, iron, rags, rope, appliances, wood, batteries, automobiles, trash, machinery, structures, or similar materials or parts thereof, which are not used for their original purpose.

142. Junk Yard

Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk, and including storage of scrapped motor vehicles and dismantling of such vehicles or machinery.

143. Kennel

A facility operated exclusively for profit and for the expressed purpose of providing shelter for animals.

144. Landfill

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

145. Landowner

Any owner of a legal or equitable interest in real property, including the heirs, devisees,

146. Landscaping

The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Any live plant materials such as trees, shrubs, ground cover, and grass used in spaces void

of any impervious material or building structure and areas left in their natural state.

147. Large Open Space

Large Open Space shall include bodies of water greater than ten (10) acres, rivers or the floodplain of FEMA (Federal Emergency Management Administration) class streams, or public or private tracts of land permanently dedicated to open space use with an area greater than ten (10) acres.

148. Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

149. Legislative Decision

The adoption, amendment, or repeal of a regulation under this ordinance or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of this ordinance.

150. Level of Service (as it pertains to traffic or traffic congestion)

Level of service, pertinent to traffic flow and vehicular movements, as described in the 1965 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from A through F. Level of service A indicates generally free movement. Level E represents maximum capacity of the facility. Level F indicates congestion. Level of Service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

Level of service relating to parks or other public facilities have a similar concept but different thresholds.

151. Loading and Unloading Area.

That portion of the vehicle accommodation area used to satisfy the requirements of Article 6. It provides space for bulk pickups and deliveries, scaled to delivery vehicles and accessible to such vehicles at all times even when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

152. Lot

A parcel of land, of any size, occupied or capable of being occupied by a principal building together with its accessory buildings, including the open space required under the terms of this Ordinance.

153. Lot Area

The parcel of land enclosed within the boundaries formed by the property lines plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, if extended.

154. Lot, Corner

A parcel of land having frontage on more than one street (road) which abuts an intersection of those streets (roads).

155. Lot, Depth

The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

156. Lot Line

Any boundary of a parcel of land.

157. Lot Line, Front

Any boundary line of a lot running along a street right-of-way line. (See Image under Lot Width)

158. Lot Line, Rear

The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line. (See Image under Lot Width)

159. Lot Line, Side

A boundary line which is not defined as a front or rear lot line. (See Image under Lot Width)

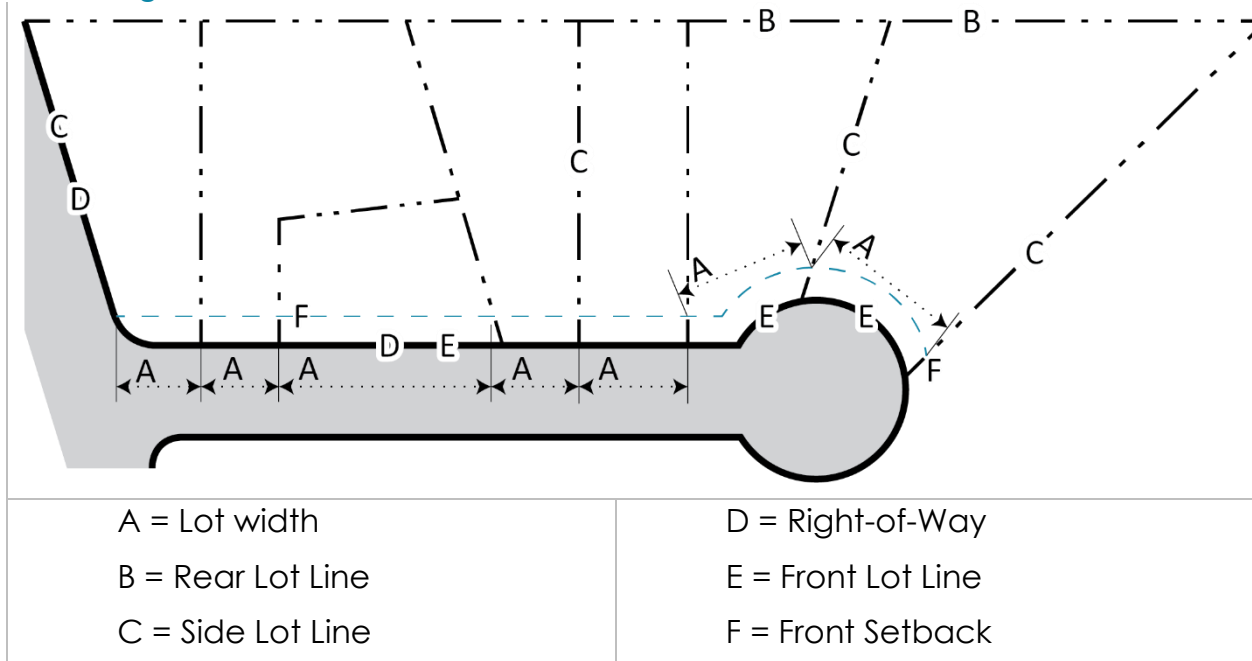
160. Lot of Record

A lot of any size which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Franklin County prior to the adoption of this Ordinance, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been so recorded prior to the adoption of this Ordinance.

161. Lot Width

The horizontal distance between the side lot lines measured along the front setback line (aka “front building line”) as specified by the applicable front yard setback in this Ordinance. See also Frontage Width. See image below:

Figure 10-4 Lot Width Measurement



162. Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

163. Lowest floor

The subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

164. Mansard

A steeply pitched roof, pitched at such an angle as to resemble a building wall, often but not always 75 degrees.

165. Manufactured Home

Pursuant to NC GS § 160D-910, A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or when erected on site, is 320 or more

square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" does not include "recreational vehicles".

166. Manufactured Home (Mobile Home) Class A

A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- A. The home has a length not exceeding four times its width;
- B. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- C. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- D. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

167. Manufactured Home (Mobile Home) Class B

A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

168. Manufactured Home (Mobile Home) Class C

Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Class C manufactured homes are not permitted within Franklin County's planning jurisdiction.

169. Manufactured Home Lot

A manufactured home lot is a piece of land within a manufactured home park whose boundaries are delineated in accordance with the requirements of the Ordinance.

170. Manufactured Home Park

Any lot or part thereof, or any parcel of land under common ownership, regardless of the number of separate tracts, upon which three (3) or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. Manufactured home parks may be referred to in this Ordinance as "MHP."

171. Manufactured Home/Recreational Vehicle Space

A plot of land within a MH/RV park designed for the accommodation of a single manufactured home/recreational vehicle in accordance with the requirements set forth in this ordinance.

172. Manufactured Home/Recreational Vehicle Stand

That portion of the manufactured home/recreational vehicle space designed for and used as the area occupied by the MH/RV proper.

173. Manufactured Home Space

Any parcel of ground within a manufactured home park designated for the exclusive use of one (1) manufactured home.

174. Manufactured Housing and Wood Building Production

Establishments primarily engaged in fabricating manufactured homes, and or fabricating wood buildings or wood sections and panels for buildings.

175. Market Value

The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

176. Massage Parlor

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where

massage or similar manipulation of the human body is offered as an incidental or accessory service.

177. Mean Sea Level

For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

178. Microbrewery

An establishment where beer and malt beverages are made on the premises and then sold or distributed. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer.

179. Minimum Housing Code

A code, as authorized by G.S. 160D-1201, which sets minimum standards for dwelling units and authorizes Franklin County to repair, close, or demolish dwellings which are unfit for human habitation.

180. Minor Variance.

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten percent (10%), of any management required under the low-density option.

181. Modular Home

Pursuant to NC GS § 160D-911, a factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1A detached residential dwelling unit designed for transportation after off-site fabrication on flatbed trucks or trailers. At the site, a modular home must be placed on a permanent foundation, and heating and cooling systems, plumbing fixtures, and electrical appliances must be installed before being occupied.

182. More Intensive Use

A use that will have a greater impact on the surrounding area than the previous use, including activities which generate more traffic, require more employees or service deliveries, or utilize more square footage than the previous use existing on the site.

183. NAICS Manual, North American Industry Classification System Manual
A book put out by the federal government which classifies establishments by the type of activity in which they are engaged. Uses listed in this Ordinance are classified according to ICS groupings.

184. NIER

Non-Ionizing Electromagnetic Radiation.

185. National Geodetic Vertical Datum (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

186. New Construction

Structures for which the “start of construction” commenced on or after the effective date of the original version of this ordinance and includes any subsequent improvements to such structures.

187. New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this Ordinance.

188. Nonconforming Structure, Building, or Development

Any legally existing building or development which fails to comply with the current provisions of this Ordinance, including but not limited to requirements for square footage, density, yard, setback, dimensional, height, lot coverage, or other structural or design provisions.

189. Nonconforming Lot

A lot existing at the effective date of this Ordinance that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

190. Nonconforming Sign

Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment. Note that the location, construction, or other aspects of a sign may make it also a nonconforming site element.

191. Nonconforming Site Element

Any element or aspect of a site that was existing on the effective date of an Ordinance, or amendment thereto, that renders such site element

nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance. See also "Site Element".

192. Nonconforming Use

The use of land, buildings, structures, or site elements that was lawfully established on a property prior to this UDO being adopted or amended, but does not conform to the use regulations of his UDO.

193. Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

194. Nonresidential Development

All development other than residential development, agriculture, and silviculture.

195. Nursery School

See Day Care.

196. Nursing Care Institution

An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

197. Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

198. Office

Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners, and landscape architects. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication,

production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, and products; or the sale and/or delivery of any materials, goods, or products which are physically located on the premises.

199. Official Maps or Plans

Any maps or plans officially adopted by the County Board of Commissioners of Franklin County, or municipalities in the county, as a guide for the development of the county, consisting of maps, charts, and/or texts.

200. Open Space

An area (land and/or water) generally lacking in manmade structures and reserved for the enjoyment of residents or visitors of a development. Common open spaces may contain accessory structures and improvements necessary or desirable for religious, education, non-commercial, recreational, commercial, social, or cultural uses.

201. Outdoor Recreation and Entertainment

An establishment offering entertainment and or recreation to general public where in any portion of the activity takes place in the open. Such uses generally include, but are not limited to paintball facility, botanical gardens, and golf course.

202. Parent Parcel/Tract

An existing parcel of record, as off the effective date of this ordinance from which this chapter is derived.

203. "Park Model" Recreational Vehicle

A manufactured home typically built in accordance with the construction requirements of HUD National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. but because of their limited size they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, they are labeled and sold as recreational vehicles.

204. Parking Area, Aisles

A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

205. Parking Lot Plantings

Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

206. Parking Space, Off Street

For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

207. Perennial Stream

A stream which continuously contains water throughout the whole year.

208. Person

An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

209. Person with Disabilities

Pursuant to NC GS § 160D-907, a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. §122C-3(11)b.

210. Personal Wireless Services or PWS or Personal Telecommunications Service or PCS

Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

211. Planned Unit Development

A residential, commercial, or combination of residential and commercial projects located on land under unified control, planned as a whole, and developed as a single development or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

212. Planning and Development Regulation Jurisdiction

The geographic area defined in this ordinance within which a city or county may undertake planning and apply the development regulations authorized by this NCGS 160D.

213. Planning Board

A body appointed by the Franklin County Board of Commissioners to perform duties as specified in Article 4.

214. Plant Nurseries

Establishments primarily engaged in growing trees, shrubs, other plants, seeds, and bulbs are classified as agricultural. However, establishments for the sale of lawn and garden maintenance equipment and fertilizers are considered a non-agricultural use.

215. Planting Area

The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

216. Plat

A map or plan of a parcel of land which is to be, or has been subdivided, or any existing parcel of land.

217. Private Club/Lodge

A structure or use owned or leased by a private club, offering membership use of the structure for social occasions. Examples could include Knights of Columbus, Masonic Lodges, Shriners, etc. Such a club/lodge structure could be used for meeting rooms, classes, and social functions such as dances, weddings, receptions, etc. This does not include a night club open to the general public.

218. Private Path

A privately owned right-of-way, easement, or cartway which does not otherwise comply with public or private road standards as set forth herein.

219. Private Path Plat

A map prepared by a Registered Land Surveyor which shows the location of a Private Path.

220. Private Water Supply

A water supply furnishing water to a manufactured home park or travel trailer park with fourteen (14) or fewer service connections, and must meet standards and approval of the Franklin County Health Department, Environmental Health Section, as mandated by state law.

221. Processing

Any operation changing the nature of material or material's chemical composition or physical properties; does not include operations described as fabrication.

222. Property Clearing

The removal of regulated trees from undeveloped property for the purpose of timber sales, value enhancement, or other non-developmental purposes.

223. Protected Area

The area adjoining and upstream of the critical area of the WS IV watershed. The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridgeline of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

224. Pruning

The act of removing, or cutting back parts of a tree or shrub.

225. Public Building

Public buildings shall include local, state, or federal government office facilities, including libraries and post offices.

226. Public/Private Recreation

A public or private area of land with or without buildings designed to serve the recreation needs. Such facilities may include but are not limited to walkways, greenways, benches, parks, playgrounds, open fields, multi-use athletic courts, swimming and wading pools, amphitheaters, and athletic fields.

227. Public Safety and/or Nuisance

Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

228. Public (or Community) Sewage System

A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, an HOA, a county or municipality, or a public utility.

229. Public Water System

"Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

- a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and

- b. Any collection or pretreatment storage facility not under the control of the operator of the system that is used primarily in connection with the system.

A public water system is either a "community water system" or a "noncommunity water system" as follows:

- a. "Community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- b. "Noncommunity water system" means a public water system that is not a community water system.

A connection to a system that delivers water by a constructed conveyance other than a pipe is not a connection within the meaning of this subdivision under any one of the following circumstances:

- a. The water is used exclusively for purposes other than residential uses. As used in this subdivision, "residential uses" mean drinking, bathing, cooking, or other similar uses.
- b. The Department determines that alternative water to achieve the equivalent level of public health protection pursuant to applicable drinking water rules is provided for residential uses.
- c. The Department determines that the water provided for residential uses is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable drinking water rules.

230. Quasi-judicial Decision

A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the ordinance regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

231. Recreational Vehicle (RV)

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

232. Recreational Vehicle Parks

Any single parcel of land upon which two (2) or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as "RV Park(s)."

233. Regulatory Flood Protection Elevation

The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to three (3) feet above the highest adjacent grade.

234. Rehabilitation Facility

A residential (provision of living quarters for seven (7) or more residents) or nonresidential facility utilized by participants in programs providing guidance, counseling, or therapy. This definition does not include a facility providing rehabilitation services to psychotics, severely mentally handicapped individuals or persons who have demonstrated a known pattern of violence (this criterion does not exclude those convicted of violent offenses per se, only those whose behavior patterns are such that they may frequently resort to violence).

235. Residential Development

Buildings or dwelling units for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc., and customary home occupations.

236. Retail

The sale of a commodity to the ultimate customer and not customarily subject to sale again.

237. Retail Plant Nurseries/Lawn & Garden Stores

Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others.

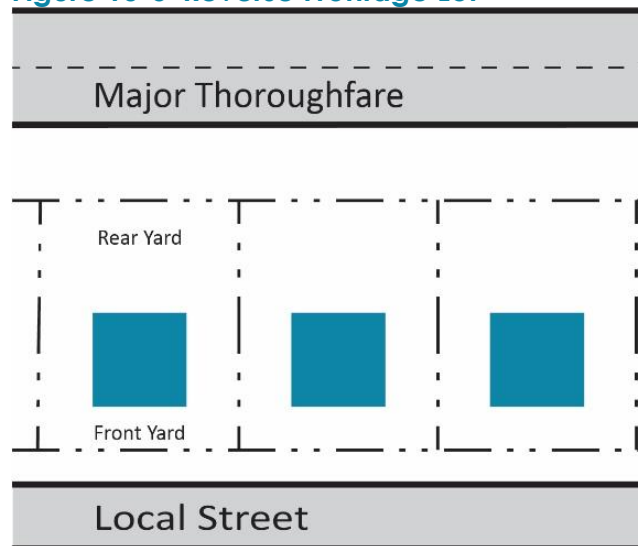
238. Retention

The surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of runoff into the soil.

239. Retrofitting

Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Figure 10-5 Reverse Frontage Lot



240. Reverse Frontage Lot

A continuous lot of the same depth as the width of a block, accessible from only the minor of the two (2) streets upon which it fronts. See image below:

241. Right-of-Way

The property located within and adjoining the streets, roads, and highways within the county which rights-of-way are owned by the state or otherwise maintained by the state.

242. Road, Private (also known as Private Street)

Any road or highway which is not classified as a Public Street and serves multiple uses or dwelling units.

243. Road, Public (also known as Public Street)

Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this Ordinance by reference.

244. Rooming or Boarding house

A rooming house or a structure which contains four or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.

245. Root Protection Zone

Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its dripline, whichever is greater.

246. Salvage Operation

The reclamation, dismantling, or storage of pre-used commodities, junk, and similar material for the purposes of resale, processing, distribution, or deposition.

247. Sanitary Landfill

A facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and as amended. (G.S. 130A-294, as amended.)

248. School

Any public or private institution for teaching or education.

249. Self Service Storage

A building used for the storage of personal property where individual owners control individual storage spaces. Typical accessory uses include a caretaker's living quarters, security and leasing offices and parking. The use of self-storage facilities for sales, service, manufacturing and repairs activities or for the rental of trucks or equipment is not considered accessory to a self-storage use.

250. Setback

The distance between the minimum building line and the street right-of-way line; and where no street right-of-way is involved, the property line shall be used in establishing the setback

251. Sexually Oriented Business

Any place defined as an "Adult Establishment" by Section 14-202.10 of the North Carolina General Statutes, as such statutes are amended from time

to time, except that the incorporated definition of “massage business” will not include a health club, exercise studio, hospital, physical therapy business, or other related business-but will include any business where massages are rendered by persons exhibiting “specified anatomical areas” and/or where massages are performed on any client’s “specified anatomical areas” (as those terms are defined in G.S. 14-202.10).

252. Shooting Range

Means a business establishment, private club, individual or association that operates an area for the discharge of firearms. This definition shall not apply to hunting activities as regulated by the state nor private landowners and their family and guests not to exceed ten individuals at any one time.

253. Shrub, Large

An upright, multi-stemmed plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

254. Shrub, Medium

A plant growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

255. Shrub, Small

A plant growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

256. Sight Triangle

In Franklin County, the triangular area formed by a diagonal line connecting two points located no intersecting property lines (or a property line and the curb or a driveway), each point being thirty-five (35) feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being ten (10) feet and seventy (70) feet (along the intersecting street) from the point of intersection.

257. Sign

Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object.

Figure 10-6 Examples of Common Sign Types



258. Sign, A-Frame

A portable sign comprised of two separate panels or faces jointed at the top and spread apart at the bottom to form the base on which the sign stands.

259. Sign, Animation

The movement, or the optical illusion of movement of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having "chasing action" which is the action of a row of lights commonly used to create the appearance of motion.

260. Sign Area

The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

261. Sign, Balloon

A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

262. Sign, Building Marker

A sign including only the building name, date of construction, or historical data on historic buildings or sites and is cut or etched into masonry, bronze, or similar material.

263. Sign, Business or Building Identification

A pedestrian oriented sign attached to a building to identify the tenant. Such sign bears only the name, address, and/or logo of the building and/or the tenant.

264. Sign, Canopy

A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

265. Sign, Changeable Copy

A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols, and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

266. Sign, Commercial Message

Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

267. Sign, Construction/Contractor's and Subdivision Project

A sign identifying future tenants, home builders, contractors, and architectural or engineering designers during construction.

268. Sign, Electronic Message Board

A sign which displays messages, such as time and temperature, in alternating light cycles.

269. Sign, Facsimile

An oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure, which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.

270. Sign, Fence

A sign mounted on, attached to, or constructed as part of a fence or similar structure.

271. Sign, Festoon Lighting

A string of outdoor lights suspended between two or more points.

272. Sign, Flag

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or other entity.

273. Sign, Freestanding

A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

274. Sign, Gasoline Pump

Signs attached to gasoline and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as price, fuel type, and self-service instructions.

275. Sign, Grade

The uppermost surface directly below the sign or immediately adjacent to the support. Where the uppermost surface has been artificially raised for landscaping or other purposes, grade shall be measured from the level of the nearest city or state street curb.

276. Sign, Ground

A free-standing sign with its base or its supports mounted directly to the ground.

277. Sign, Holiday Decorations

Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

278. Sign, Indirect Illumination

Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

279. Sign, Internal Illumination

Illumination provided from a source located inside or within the face of the sign.

280. Sign, Inflatable

A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

281. Sign, Monument

A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

282. Sign, Off-Premise

A commercial sign which directs attention to or communicates about a business, service, commodity, attraction or other activity that is conducted sold or offered at a location other than the premises on which the sign is located.

283. Sign, On-Premise

A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

284. Sign, Outdoor Advertising (Billboard)

A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

285. Sign, Panel

The primary surface of a sign that carries the identifying/advertising message.

286. Sign, Pennant

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

287. Sign, Political

A sign advertising a candidate or issue to be voted upon on a specific election day, which is attached to the ground by a stake or stakes, but which excludes any other sign defined as a portable sign.

288. Sign, Portable

Any sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure, or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, A-frame, or T-shaped signs, and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

289. Sign, Projecting

A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface of which it is mounted, and is mounted usually, but not always, at right angles to the building.

290. Sign, Pylon (or Pole)

A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

291. Sign, Roof

Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

292. Sign, Special Event

A temporary sign promoting a special event for a public, quasi-public, or nonprofit organization.

293. Sign, Streamer

A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

294. Sign, T-Shaped

A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

295. Sign, Temporary

A sign advertising a special event and not intended to be displayed on a permanent basis.

296. Sign, Vehicle

See Sign, Portable.

297. Sign, Wall

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

298. Sign, Window

A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype, or any other form which communicates information can be read from off-premise.

299. Single-Family Residential

Any development where:

- A. no building contains more than one dwelling unit where residential occupation by a single household is the primary use, and
- B. every dwelling unit is on a separate lot with the exception of accessory dwelling units as defined in this section of this Ordinance.

300. Site Element

Any site improvement that is not considered also considered a structure, including but not limited to parking areas, access ways or driveways, pedestrian improvements, landscaping, signage, signs, lighting, in-ground infrastructure, etc.

301. Site Plan

A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

302. Small Open Space

Includes all public or private tracts of land permanently dedicated to open space use with an area of less than ten (10) acres.

303. Solar Energy Farm

A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

304. Solar Panel

A panel designed to substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential or commercial property.

305. Specified Anatomical Areas

As used herein, specified anatomical areas means and includes any of the following:

- A. less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- B. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

306. Specified Sexual Activities

As used herein, specified sexual activities means and includes any of the following:

- A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. masturbation, actual or simulated; or
- D. excretory functions as part of or in connection with any of the activities set forth in subdivisions A through C of this definition.

307. Spoil

Earth, rock, or other materials excavated or dredged from a drainage course.

308. Stealth or Stealth Technology

To minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive

facility that is not technologically or commercially impracticable under the facts and circumstances.

309. Storage

The deposition of commodities or items for the purposes of future use or safekeeping.

310. Stream Buffer

A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones "which flow continuously" and are indicated by solid blue lines on 7-1/2 minute topographic maps.

311. Street

A public or private thoroughfare which affords access to abutting property and is recorded as such in the Office of the Register of Deeds.

312. Street Arterial

A major street in the county's road system that serves as an avenue for the circulation of traffic into, out, or around the county and carries high volumes of traffic. All roads having designated state primary road or federal road numbers are considered arterials. Also known as a *Major Thoroughfare*.

313. Street, Half

One half of a required street right-of-way located adjacent to the perimeter of a subdivision for future combination with a half street in an adjacent existing or future subdivision. This term does not include frontage roads along arterial streets or limited access highways. Half streets are prohibited.

314. Street, Local

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

315. Street, Marginal Access

A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties. Also known as *Frontage Road*.

316. Street, Minor

A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

317. Street, Private

A dedicated or undedicated private right-of-way which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.

318. Street, Public

A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.

319. Street, Subcollector

A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day. Also known as a *Collector Street*.

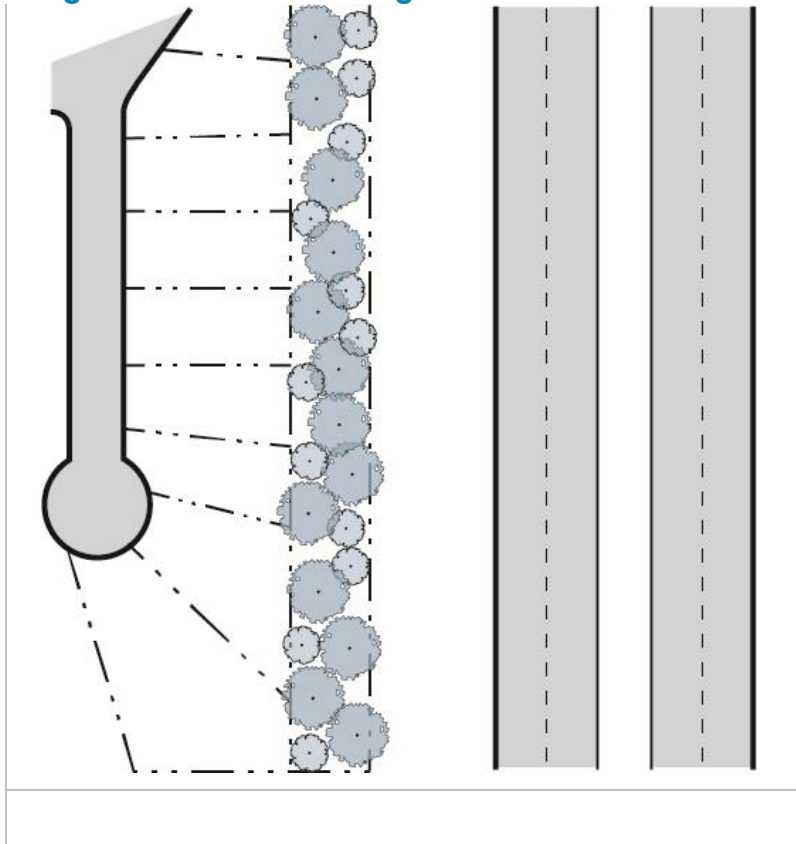
320. Street Tree

A tree planted along the street just outside of the right-of-way.

321. Street Planting Yard

A planting area parallel to a public or private right-of-way designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Figure 10-7 Street Planting Yard



322. Structure

A walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

323. Subdivider

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

324. Subdivision

See NC GS § 160D-802.

325. Subdivision, Family

A subdivision where lots may only be conveyed to linear family members. Linear family members consist of parents, their children, and their grandchildren. This does not include brothers, sisters, aunts, uncles, and cousins.

326. Supervised Living Facility

A facility whose primary purpose is for the care, treatment, habilitation, or rehabilitation of individuals with mental illnesses or intellectual or other

developmental disabilities or substance abusers including 24-hour facilities that is are not hospitals, including group homes.

327. Swimming Pool

Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground swimming pools, hot tubs, and spas.

328. Swine Farm

Any tract or contiguous tracts of land which is devoted to raising animals of the porcine species and which is served by an animal waste management system having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater, regardless of the actual number of swine on the farm.

329. Technical Review Committee (TRC)

The TRC shall serve as the reviewing, recommending and approving body of the applicable applications for development approval where designated in this ordinance.

330. Telecommunication Tower and Telecommunications Site and Personal Wireless Facility

A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not listed by the FCC, but not expressly exempt from the County's, building and permitting authority, excluding for private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below thirty-five (35) feet in height.

331. Telecommunications

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

332. Telecommunications Structure

A structure used in the provision of services described in the definition of wireless telecommunications facilities.

333. Temporary Healthcare Structure

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.

334. Temporary Use

A use that varies in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties, or they may present a question involving potential incompatibility of the temporary use with existing uses.

335. Tourist Home

Any building occupied by the owner or operator in which rooms are rented for lodging of transients and travelers for compensation.

336. Townhouse

A residential structure constructed in a series or group of attached dwelling units, with or without property lines separating such units, where each dwelling has its own external, ground-level entrance. Individual dwelling units are not stacked. Note that a structure of only two attached dwelling units is considered a duplex.

337. Toxic Substance

Any substance or combination of substances (including disease causing agents) which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

338. Tract

A tract is a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Franklin County Registrar of Deeds.

339. Tree, Canopy

A large tree growing to over 40 feet in height at maturity, usually Deciduous, that is planted to provide canopy cover shade.

340. Tree Topping

The removal or cutting back of major portions of a tree crown by cutting branches to stubs and/or to the trunk. Topping is also referred to as heading, stubbing, or dehorning.

341. Tree, Understory

A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

342. Unenclosed Canopy

A permanent structure made of metal or other material attached or unattached to a building for the purpose of providing shelter to patrons, automobiles or associated equipment.

343. Use

The purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.

344. Use, Conditional

A previously permissible process for approving a use permitted in a zone only after specific findings by the Board of Adjustment. This process has since been disallowed pursuant to NC GS § 160D, and all legally valid and active Conditional Uses were transitioned to Special Use Permits or Conditional Zoning Districts.

345. Use, Special

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions."

346. Use-By-Right

A use which is listed as an unconditionally permitted activity in this Ordinance.

347. Valance

A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

348. Variance

Pursuant to NC GS § 160D-705(d), a grant of relief from the dimensional standards or requirements of this Ordinance with regard to standards that are specific to the County.

349. Major Variance

A variance or allowed deviation from the minimum statewide water supply watershed protection rules that results in any one or more of the following:

- A. the complete waiver of a management requirement;
- B. the relaxation by a factor of more than ten percent (10%) of any management requirement that takes the form of a numerical standard;
- C. the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.

350. Variance, Minor

A variance or allowed deviation from the minimum statewide water supply watershed protection rules that does not qualify as a major variance.

351. Variance, Watershed

A permission to develop or use property granted by relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

352. Vegetation

Evergreen trees, including but not limited to white pine, evergreen shrubs, red tipped photina, wax myrtle, or other plants which reach a height of at least six (6) feet at maturity.

353. Vested Right

The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific vesting plan (formerly called a "site specific development plan") or an approved phased development plan.

354. Vines

A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

355. Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other

evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as the documentation is provided.

356. Warehouse

A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed and reshipped.

357. Water Dependent Structure

Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

358. Watershed

The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

359. Watershed Administrator

An official or designated person of Franklin County responsible for the administration and enforcement of this Ordinance. The Watershed Administrator for Franklin County shall be the Director of Planning & Development, who also functions as the Administrator, and/or their assistant, as designated in the Unified Development Ordinance.

360. Wholesale

The sale of a commodity for resale to the public for direct consumption.

361. Winery or Brewery

A facility or establishment engaged in the production of wine.

362. Yard

Any open space on the same lot with a building, and unoccupied from the ground upward except by trees, shrubbery, or fences. Accessory structures or accessory uses may also sometimes occupy a yard.

363. Yard, Front

A yard across the full width of the lot, extending from the front line of the building to the front lot line.

364. Yard, Rear

A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.

365. Yard, Side

A yard between the building and side lot line, extending from the front building line to the rear building line.

366. Zoning Compliance

A certification by the Administrator or authorized agent(s) that a course of action to use or occupy a tract of land or a building, or to erect, install or alter a structure, building or sign situated in the jurisdiction of the county, fully meets the requirements of this Ordinance.

367. Zoning Compliance Permit (or Zoning Permit)

A permit issued by the Administrator or his authorized agents that permits the applicant to use or occupy a tract of land or a building; or to erect, install or alter a structure, building or sign situated in the jurisdiction of the county that fully meets the requirements of this Ordinance.

368. Zoning Map Amendment" or "Rezoning"

An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by a local government or the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

369. Zoo

Any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation. The term zoo may also include: Animal Safari Parks, Wild Animal Parks, Petting Zoos, and Live Reptile Exhibits.